

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4118

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NAQUAN LAMONTE EADDY,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(CR-03-153)

Submitted: September 27, 2004

Decided: October 12, 2004

Before WILKINSON, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael A. Meetze, Assistant Federal Public Defender, Florence,
South Carolina, for Appellant. Rose Mary Parham, Assistant United
States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Naquan Lamonte Eaddy seeks to appeal his conviction and thirty-four month sentence imposed following his guilty plea to possession of an unregistered sawed-off shotgun. See 26 U.S.C. §§ 5841, 5861(d) and 5871 (2000).

Eaddy's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there were no meritorious grounds for appeal but raising as potential issues whether the district court complied with Fed. R. Crim. P 11 in accepting Eaddy's guilty plea and whether the court erred in denying Eaddy a two-level decrease under U.S. Sentencing Guidelines Manual, § 3E1.1 (2002). Although advised of his right to file a pro se supplemental brief, Eaddy declined to do so. Eaddy, however, filed a Fed. R. App. P. 28(j) letter directing our attention to the Supreme Court's recent decision in Blakely v. Washington, 124 S. Ct. 2531 (2004).

We have reviewed the record and conclude that the district court fully complied with Rule 11 and that Eaddy entered his plea knowingly, voluntarily and intelligently. We also find that the court did not err in determining that Eaddy was not eligible for application of § 3E1.1 due to his failure to appear at jury selection. Finally, in light of our recent decision in United States v. Hammoud, __ F.3d __, 2004 WL 2005622 (4th Cir. Sept. 8,

2004) (No. 03-4253), petition for cert. filed, __ U.S.L.W. __ (U.S. Aug. 6, 2004) (No. 04-193), Eaddy's Blakely claim is without merit.

In accordance with the requirements of Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. Accordingly, we affirm Eaddy's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED